

Adam Wernicke

From: James Kleiner
Sent: Thursday, February 17, 2022 5:13 AM
To: christian.rasmussen@chim-pn.com; bunker@chim-pn.com
Cc: Matthew.Lam@clydeco.com; Sindy.Yeung@clydeco.com; Michael.Ng@clydeco.com; Breitenfeld de Sa Dantas, Ruth A. G.; Cabrero Gomez, Jose Alberto; Andres Carral, Maria Canto; de Miguel Fernandez, Daniel; francisco.buyo@cepsa.com; Jesús Casas; Adam Wernicke
Subject: Arbitration Demand - CEPESA v Chimbusco - HBN Ref: 7273.0008
Attachments: Demand for Arbitration (NY243809x9F6A0).pdf
Categories: M/V LEDRA

Dear Sirs:

Re: M/V LEDRA Alleged Off-Spec Bunkers
CEPSA/Chimbusco Bunker Sale Contract, dated December 14, 2021

Please see attached the arbitration demand of Compañía Española de Petróleos, S.A. ("CEPSA") under the above contract between CEPESA and Chimbusco Pan Nation Petro-Chemical Co., Ltd., nominating Leo G. Kailas as arbitrator.

Very truly yours,

James D. Kleiner
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Via Email: christian.rasmussen@chim-pn.com

Chimbusco Pan Nation Petro-Chemical Co., Ltd.
9 Floor, Luk Kwok Centre
72 Gloucester Road
Wanchai
Hong Kong

Attn: Christian Rasmussen and/or Officers & Directors of Chimbusco

Re: M/V LEDRA Alleged Off-Spec Bunkers
CEPSA/Chimbusco Bunker Sale Contract, dated December 14, 2021
Our Ref. 7273.0008

Dear Sirs:

We are New York counsel to Compañía Española de Petróleos, S.A. (“CEPSA”) in relation to the above contract between CEPSA and Chimbusco Pan Nation Petro-Chemical Co., Ltd. (at times referred to as “Chimbusco” and/or “Buyer”) (the “Contract”).

Under Clause 25 of CEPSA’s General Terms and Conditions for Marine Sales (with 2019 Amendments) (“GTCs”), CEPSA hereby demands arbitration in New York of all disputes arising out of or in connection with this Contract, including, without limit, CEPSA’s request to the New York arbitrators for a Declaration covering the following issues:

1. that the bunkers supplied at Algeciras on or about December 22, 2021 to the M/V LEDRA conformed to the contractual quality specifications;
2. that Chimbusco is obligated to remit full payment of CEPSA’s invoice for such bunkers in the amount of US\$768,600.00;
3. that CEPSA has no liability whatsoever to Chimbusco under the Contract or otherwise;
4. that, to the extent there is any liability (which is denied), such liability is limited in accordance with the GTCs, including, among other things, Clause 16 thereof and/or due to the Buyer’s failure to mitigate; and

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5. that CEPSA is entitled to recover from Chimbusco its expenses, including legal fees incurred as a result of the breaches of the Buyer's duty of good faith and fair dealing, including without limit the Buyer's refusal to mitigate losses.

CEPSA hereby nominates as arbitrator:

Leo G. Kailas, Esq.
Reitler, Kailas & Rosenblatt LLP
885 Third Avenue, 20th Floor
New York, NY 10022
Tel: (212) 209-3012
lkailas@reitlerlaw.com

We look forward to receiving Chimbusco's nomination of its arbitrator.

Sincerely yours,

HILL, BETTS & NASH LLP

James D. Kleiner
James D. Kleiner

JDK/bp

cc: Chimbusco Pan National Petro-Chemical Co., Ltd.

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Chimbusco Pan National Petro-Chemical Co., Ltd., c/o Clyde & Co.

Matthew Lam
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Sindy Yeung
Sindy.Yeung@clydeco.com

Michael Ng
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CEPSA

Dr. Ruth A.G. Breitenfeld de Sa Dantas
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